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Most Recent Summaries

Criminal Law & Procedure

US v. Davila-Ruiz, No. 14-1187

In a question of first impression in this circuit concerning the operation of Federal Rule of Criminal Procedure 11(d)(1), which provides that a defendant may withdraw a guilty plea "for any reason or no reason" at any time before the court accepts it, the district court's refusal to allow defendant to withdraw his guilty plea without showing a fair and just reason for doing so, is vacated where the plain language of the rule grants a defendant the absolute right to withdraw his plea at any time before it is accepted.

Criminal Law & Procedure

US v. Cardoza, No. 13-2145

Sentence for guilty plea to drug trafficking offense is remanded for resentencing, where, while this appeal was pending, the district court purported to grant sua sponte an order modifying the sentence on the basis of the amendment to the guidelines under 18 U.S.C. section 3582(c)(2), and although under *US v. Moldonado-Rios*, ___ F.3d ___, 2015 WL 3652600, (1st Cir. June 15, 2015), a district court does not have jurisdiction to enter a sentence modification order under section 3582(c)(2) while an appeal of that sentence is pending, such action will be treated as if it were an indicative ruling under Rule 12.1.

Bankruptcy Law, Criminal Law & Procedure

US v. Pacheco-Martinez, No. 13-2154

Sentence and conviction of various offenses arising from defendant's multi-year effort to swindle scores of unsuspecting victims out of over a million dollars and to manipulate the U.S. Bankruptcy Code in order to shield his ill-gotten gains from creditor, are affirmed over defendant's claims that there was insufficient evidence to support the jury's guilty verdict, and that the district court improperly calculated the applicable Sentencing Guidelines range and imposed a procedurally and substantively unreasonable sentence.